

Responsive to the Restriction Requirement mailed March 1, 2001 for the above-captioned application, Applicants hereby elect the invention of Group IV, **with traverse**. The application has also been amended to include a new claim 40, dependent on claim 31, which recites tyrosinase as the differentiation antigen. This amendment is supported, *inter alia*, in Example 16 of the present specification.

The Examiner has separated the claims of the instant invention into 8 groups, each of which she argues constitutes a separate invention. Applicants respectfully submit that this characterization is in order. As a first matter, Applicants respectfully submit that the claims of groups IV, V, VI and VII should not be characterized as separate inventions, but should rather be the subject of a species election in accordance with 37 CFR § 1.146. Tyrosinase of added claim 40 should be considered another species. This is apparent, given the Examiners reference to claims 29 and 30 in the description of each of these groups of claims. These claims are generic claims, which link the several species. Thus, should the Examiner find the generic claims 29 and 30 to be allowable, all of the claims within groups V, VI, and VII plus claim 40 should then be examined in accordance with the practice described in MPEP § 809.02 (c).

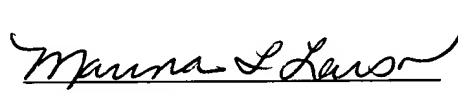
Applicants further submit that claims 1-15 and 38-39 are properly considered with the elected claims. Claims 1 and 2 are generic claims relating to a method of stimulating an immune response. The claim recites the use of a therapeutic differentiation antigen that "is produced by expression in cells of a second species different from the first species." In the case of claim 2, the first species is specified as being human. Thus, claims 1 and 2 make use of the product produced in a cell lines of the type set forth in generic claims 29 and 30. While Applicants agree that the method claims could still be patentable even if art showing cell lines were located (i.e., when the cell line is used for a different purpose), Applicants submit that should the cell lines claims be found to be novel and unobvious, these claims should be rejoined with the elected claims. See MPEP § 821.04. Applicants respectfully request that the Examiner

advise them now if such rejoinder will not be considered so that an appropriate decision on a timely divisional may be made.

With respect to claims 38 and 39, these claims relates to an expression vector which is used in making the cell lines of the elected claims. Applicants respectfully submit that the subject matter of these claims sufficiently overlaps with that of the elected claims that there would be no substantial burden in examining them together. Specifically, it seems likely that any search for non-human cell lines, such as insect cell lines, that express a human differentiation antigen, will include a description of the compositions used in the creation of the cell line. Thus, Applicants respectfully submit that these claims should be included with the elected claims, consistent with the statement in MPEP § 803 that

if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Respectfully submitted,

A handwritten signature in cursive script, reading "Marina T. Larson", is written over a horizontal line.

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